

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NATIONAL CREDIT UNION ADMINISTRATION	:	
BOARD, etc.,	:	
Plaintiff,	:	13cv6705 (DLC)
-v-	:	13cv6719 (DLC)
	:	13cv6721 (DLC)
MORGAN STANLEY & CO., et al.,	:	13cv6726 (DLC)
	:	13cv6727 (DLC)
Defendants.	:	13cv6731 (DLC)
	:	13cv6736 (DLC)
And other NCUA Actions.	:	
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UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

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NATIONAL CREDIT UNION ADMINISTRATION	:	
BOARD, etc.,	:	
Plaintiff,	:	11cv2340 (JWL)
-v-	:	11cv2649 (JWL)
	:	12cv2591 (JWL)
RBS SECURITIES, INC., f/k/a GREENWICH	:	12cv2631 (JWL)
CAPITAL MARKETS, INC., et al.,	:	12cv2648 (JWL)
	:	13cv2418 (JWL)
Defendants.	:	
	:	
And other NCUA Actions.	:	
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

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NATIONAL CREDIT UNION ADMINISTRATION :
BOARD, etc.,                          :
                                     Plaintiff, :
               -v-                      :
                                     :          11cv5887 (GW)
RBS SECURITIES, INC., f/k/a GREENWICH :          11cv6521 (GW)
CAPITAL MARKETS, INC., et al.,        :
                                     :
                                     Defendants. : ORDER
                                     :
And other NCUA Actions.                :
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HON. DENISE COTE, HON. JOHN W. LUNGSTRUM, and HON. GEORGE H. WU,
District Judges; and HON. JAMES P. O'HARA, Magistrate Judge:

On June 17, 2015, defendants requested clarification of the deadline under the Master Discovery Protocol ("MDP") for their expert reports on loss causation. They seek to submit such reports on October 16. On June 22, NCUA submitted a letter opposing this request.

Section 11(a) of the MDP requires "submissions of expert reports by the party bearing the burden of proof on an issue on August 14, 2015, rebuttal expert reports on October 16, 2015, and any reply expert reports on November 20, 2015." Section 11(c) of the MDP provides that "[i]f Defendants have re-underwritten the NCUA sampled loans, Defendants shall submit any expert reports regarding that re-underwriting on October 16, 2015." Section 1 of the MDP provides that a party may seek modification of the MDP "upon a showing of good cause."

Loss causation is an affirmative defense for which defendants bear the burden, and any loss causation expert reports are due on August 14. Defendants have not shown good cause for modifying the expert discovery deadlines.

Accordingly, it is hereby

ORDERED that loss causation expert reports remain subject to the deadlines set forth in the MDP.

Dated: <u>June 22, 2015</u>	<u>/s/ Denise Cote</u> United States District Judge
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Dated: <u>June 22, 2015</u>	<u>/s/ George H. Wu</u> United States District Judge
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Dated: <u>June 22, 2015</u>	<u>/s/ John W. Lungstrum</u> United States District Judge
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Dated: <u>June 22, 2015</u>	<u>/s/ James P. O'Hara</u> United States Magistrate Judge
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